

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924**

February 19, 2009

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston, Chair
John Lupinski
Raymond Myruski

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, Engineer
Ed Garling, Planner
Kelly Naughton, Esq.
Bob Fink, Esq.

Absent: Mary Israelski

CALL TO ORDER

Chair Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 p.m. at Town Hall.

MINUTES

The minutes of the Planning Board meeting of February 5, 2009 were approved with a correction by a vote of the Planning Board.

Conob Realty – 11-1-26 – 1.8+/- acres, located on Route 17M and Arcadia Rd. in the CO zone with an AQ3 overlay. Declare lead agency & Action type.

Mr. Garling told the PB that the plans are ready for submission to outside agencies and said that the application is an Unlisted Action.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby declares the application of Conob Realty to be an Unlisted Action. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby declares its intent to be lead agency on the application of Conob Realty. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Lone Oak – 11-1-58 & 11-1-49.2 – 217.4 +/- acres located on Harriman Drive and Arcadia Rd in the HR zone with an AQ6 and stream and reservoir overlays. Set public hearing.

Representing the applicant: Steve Esposito

Ms. Naughton said that the applicant has presented a second revised version of their project plans which addresses the PB’s questions adequately, so it is appropriate for public review. It was stated that the applicant is aware that the Town’s proposed zoning has the potential to be adopted shortly and in the event it is, and if the changes affect this project, the changes will have to be addressed in the EAF.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby sets a public hearing for SEQRA for preliminary subdivision and site plan on the application of Lone Oak for March 19, 2009. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Owens Road/Goshen Meadows – 10-1-10.22 – 126.40 +/- acres, 39 lot subdivision located on Owens Rd in the RU zone with an AQ6, AQ3, scenic road corridor and stream & reservoir overlay. Negative Dec & possibly set public hearing.

Representing the applicant: Steve Esposito
Michael S. Blustein, Esq.

Attorney Robert Fink was present to represent the PB on this application. Mr. Fink asked about the easement across the property and asked how it will be addressed. Mr. Esposito said the applicant doesn’t think the easements affect the

property in a substantial way. He spoke specifically about the various easements. He said that the Wallkill Drainage District is an improvement district in the project's open space and is not an easement. The easement to the Strong lot cannot be plotted, he said, it is described very generally. Mr. Esposito said the applicant will provide a description on the final subdivision map and will define where that easement is so that the Strongs can get their beneficial use of it. He said there was no other way to handle it. He said the metes and bounds description for the Strong's right-of-way cannot be found, so the applicant will provide an easement to that property through the applicant's roads. Mr. Esposito said that if the Strongs have another suggestion of how to handle it, the applicant will work with them and in fact have already met with the Strongs. A meeting with their attorney will be next.

There was a discussion of the trolley easement which Mr. Esposito said was owned by a company that ceased to exist in 1925. He said that since the company doesn't exist, the easement no longer exists. Mr. Lindsay said he needs information on whether or not there are other easement rights on the trolley line. Mr. Esposito said that no houses will be built on it and that the right-of-way will be left open. Mr. Halloran said it could be a problem if the applicant puts a road on the right-of-way and Mr. Fink suggested that if the applicant is going to put a road there, they will have to get title insurance that states there are no rights of others there.

Mr. Esposito said the only easement still active is the Foleys and said, "We are not going to impede that easement. We are going to build a road there that will give them a better access."

Mr. Huddleston suggested that the PB is clear enough on the easements to proceed to a public hearing. He asked if there were other issues.

Mr. Halloran brought up the wetlands and whether they prevent a viable access onto the Strong's property. Mr. Esposito said the preferred alternative is to continue the proposed road to the lands of Strong on the ridge and if not viable, the alternative is to improve the trolley access for a second access.

Other issues Mr. Halloran mentioned was the archaeology question which can't be answered yet and the layout of the septic system in connection with the wetlands. Mr. Lindsay said that the wetland issues and the zoning issues may impact the layout of the lots, but that there won't be an answer on the wetlands for the public hearing.

Town Hydrologist William Canavan was present to answer any questions of the PB. He talked about the well testing results and turbidity. It was mentioned that the applicant will be re-sampling well #12.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby declares that the application of Owens Road/Goshen Meadows will have no significant adverse impact to the environment and therefore a negative declaration is appropriate. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby sets a public hearing for SEQRA on the application of Owens Road/Goshen Meadows for 7 p.m. on March 19, 2009. Passed 5 votes to 1.

Mr. Andrews	Aye	Mr. Huddleston	Nay
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Mr. Huddleston said there is a public hearing scheduled on the Lone Oak application on March 19 which will begin at 8 p.m. He said that if the public hearing on Owens Road/Goshen Meadows goes beyond 8 p.m. he will shut it down and continue it another time if necessary.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby accepts the negative declaration as prepared by Mr. Garling and modified by Mr. Bergus on the application of Owens Road/Goshen Meadows. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Reiger – 9-1-8.452 – 360.9 acres, 108 units located on Craigville Rd. in the RU district with an AQ3 & AQ6 overlay with a scenic Road corridor overlay. Road size, road design and width of disturbances.

Present for the applicant: Steve Esposito

Mr. Esposito said that after preparing a Draft Environmental Impact Statement and receiving comments from the PB and their consultants, that significant changes were made to the plans. The applicant is now proposing 106 units instead of the initial 127, he said. A tree survey was done and the project development area was reduced to 53.5 acres with over 300 acres of remaining open space. He said he is present to discuss further refinements of the plan.

Mr. Esposito said the applicant has established a cross section of the road and is proposing a 24 ft. wide pavement area consistent with most of the roads in the Town. The road will connect to Broadlee Rd. He said the applicant is asking the PB to waive the 10% maximum grade so that they can go to 12% at three isolated areas of the site, which would reduce the site disturbance. He said he thinks they can further reduce site disturbance by putting in curbing and more conventional drainage (catch basin and pipes) instead of swales. He said they have eliminated the clearing from the back of the houses.

Mr. Huddleston said he liked the plan from an engineering standpoint. Mr. Lindsay said he saw no problems with the road width, road grades and drainage changes. He reminded the PB to make sure it is followed up in the PB's resolution and monitored in the field. He suggested that the catch basins could be larger and some grass swale added to help improve the water quality.

Both Ms. Cleaver and Mr. Lindsay referred to house #57 on the plan, saying it is shown on a steep slope and will be the most challenging of the lots.

Ms. Cleaver noted that the Town Environmental Review Board commented that the applicant should have worked with the typography from the beginning. Mr. Esposito said it is being proposed now because the applicant thinks it is a better plan. He said it should provide a more aesthetic streetscape.

Mr. Lindsay raised the issue of bike paths, stating that if there is a movement towards bike paths, the applicant should know about it now. There was a discussion about the possibility of bike paths and the 10% and 12% grade roads. Mr. Huddleston said he was not in favor of bike paths in the project considering the reduced width of the road and the slopes. He polled the PB members. Discussion points were made that if the road was widened for bike paths that it would defeat the purpose, that there will be more disturbance, that more trees will be removed and the benefits of narrowing the road will be lost. Everyone expressed opposition to including bike paths with the exception of Mr. Myruski who said he had no opinion about it.

The PB was polled on whether or not they liked the new plan. Mr. Huddleston, Mr. Bergus, Mr. Andrews and Mr. Lupinski stated that they liked it, Mr. Myruski said that he thinks it is too steep, and Ms. Cleaver said she will accept whatever the emergency services agencies say about it.

Mr. Huddleston directed the applicant to have the plan reviewed by the fire department.

The Town of Goshen Planning Board adjourned the meeting at 9:40 p.m.

Ralph Huddleston, Chair
Notes prepared by Susan Varden